## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:13-cv-00046-MOC-DLH

MARK KEVIN MILLER,	)	
DI : .: (: CC	)	
Plaintiff,	)	AMENDED
	)	AMENDED
Vs.	)	ORDER
	)	
WAL-MART,	)	
	)	
Defendant.	)	

**THIS MATTER** is before the court on review of plaintiff's "Opposition to Defendant's Bill of Costs" (#91), which was filed outside the time allowed to object to the Clerk of Court's Taxation of Costs (#90). Despite such untimeliness, the court has considered plaintiff's objection.

Read in a light most favorable to the *pro se* litigant, plaintiff argues that he should not be taxed with the cost of the deposition because it was not used at trial or a hearing. Plaintiff overlooks the fact that the deposition transcript was used by defendant in support of its Motion for Summary Judgment, which is a use that satisfies 28 U.S.C. § 1920(2); L.Cv.R. 54.1(F)(1). The fact that plaintiff did not hire the court reporter is not a relevant consideration. The Clerk of Court's findings to such effect in his Taxation of Costs are, therefore, consistent with current law. The objection is, therefore, overruled.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's "Opposition to Defendant's Bill of Costs" (#91) is **OVERRULED**.

Signed: October 29, 2015

Max O. Cogburn Jr United States District Judge